

Tuesday, September 16, 2008

House Meets At...	Votes Predicted At...
9:00 a.m. For Morning Hour 10:00 a.m. For Legislative Business Unlimited "One Minutes" Per Side	Last Vote: 9:00 p.m.

**Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.**

### Floor Schedule and Procedure

- **H. Res. 1433 – Rule providing for consideration of H.R. 6899 – The Comprehensive American Energy Security and Consumer Protection Act (Rep. Slaughter -Rules):** The closed rule provides for three hours of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Natural Resources. The rule provides one motion to recommit the bill with or without instructions. Debate on the rule will be managed by Rep. Slaughter, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes.**
- **H.R. 6899 – The Comprehensive American Energy Security and Consumer Protection Act (Rep. Rahall/Rep. Gene Green (TX)/Rep. George Miller (CA)/Rep. Dingell –Natural Resources/Energy & Commerce):** Pursuant to the rule, debate on the bill will be managed by Natural Resources Committee Chairman Rep. Nick J. Rahall, or his designee, and will proceed as follows:
  - Three hours of debate on the bill.
  - Possible debate and vote on a Republican motion to recommit the bill. **Democrats are urged to vote no.**
  - Vote on final passage of the bill. **Democrats are urged to vote yes.**

- **H. Res. 1434 – Rule providing for consideration of H.R. 6842 – The National Capital Security and Safety Act (Rep. McGovern -Rules):**  
The structured rule provides for one hour of general debate equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Oversight & Government Reform. The rule makes in order one amendment in the nature of a substitute offered by Rep. Childers and printed in the report accompanying the rule. The amendment is debatable for one hour. The rule provides one motion to recommit the bill with or without instructions. Debate on the rule will be managed by Rep. McGovern, and consideration will proceed as follows:
  - One hour of debate on the rule.
  - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
  - Vote on adoption of the rule. **Democrats are urged to vote yes.**
  
- **H.R. 6842 – The National Capital Security and Safety Act (Rep. Norton –Oversight & Government Reform):** Pursuant to the rule, debate on the bill will be managed by Oversight & Government Reform Committee Chairman Rep. Henry Waxman, or his designee, and will proceed as follows:
  - One hour of debate on the bill.
  - One hour of debate and vote on amendment to the bill.
  - Possible debate and vote on a Republican motion to recommit the bill.
  - Vote on final passage of the bill.
  
- **Suspension Bills:** Today, the House will consider several bills on the Suspension calendar. Bills considered on the Suspension calendar are debatable for 40 minutes; may not be amended; and require a two-thirds vote for passage.
  1. **H.R. 2608** – The SSI Extension for Elderly and Disabled Refugees Act (Rep. McDermott – Ways and Means)
  2. **H.R. \_\_\_\_** – The Fostering Connections to Success and Increasing Adoptions Act (Rep. McDermott – Ways and Means)
  3. **H. Res. \_\_\_\_** - Supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children. (Rep. Porter – Ways and Means)

- **Postponed Suspension Votes:**

1. **H.R. 5350** - To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes (Rep. Scott (VA) – Natural Resources)
2. **H.R. 3437** - To authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado (Rep. Salazar – Natural Resources)
3. **H.R. 2535** - To direct the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes (Rep. Nunes – Natural Resources)
4. **H.R. 5293** - To approve the settlement of the water rights claims of the Shoshone-Paiute Tribes of the Duck Valley Reservation in Nevada, to require the Secretary of the Interior to carry out the settlement, and for other purposes (Rep. Heller – Natural Resources)
5. **H.Res. 1255** - Honoring Toby Keith's commitment to members of the Armed Forces (Rep. Cole – Armed Services)
6. **H.Res. 1335** – Celebrating the 120-year partnership between Government and State veterans homes (Rep. Hodes – Veterans' Affairs)
7. **S. 2339** - Lt. Col. Clement C. Van Wagoner VA Clinic (Sen. Stabenow – Veterans' Affairs)
8. **H.R. 5736** - To designate the Department of Veterans Affairs outpatient clinic in Gadsden, Alabama, as the Colonel Ola Lee Mize Veterans Clinic. (Rep. Aderholt– Veterans' Affairs)
9. **H.R.1594** - To designate the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania, as the Michael A. Marzano Department of Veterans Affairs Outpatient Clinic (Rep. English – Veterans' Affairs)
10. **H.R. 6064** - National Silver Alert Act (Rep. Doggett – Judiciary)
11. **H.R. 6503** - Missing Alzheimer's Disease Patient Alert Program Reauthorization of 2008 (Rep. Waters – Judiciary)
12. **H.R. 2352** - School Safety Enhancements Act of 2007 (Rep. Rothman - Judiciary)

13. **H.R. 6855** - To extend the authority for the United States Supreme Court Police to protect court officials off the Supreme Court grounds, and for other purposes (Rep. Lamar Smith (TX) - Judiciary)
14. **H.Con.Res. 410** - Recognizing the FBI's 100th Anniversary (Rep. Gohmert - Judiciary)
15. **H.Res. 1425** - Honoring the life and music of the late Isaac Hayes (Rep. Blackburn – Judiciary)
16. **H.Res. 1372** – Celebrating the 100th anniversary of the University of Nebraska at Omaha and recognizing the partnership between the City of Omaha, its citizens, and the University to build a vibrant and dynamic community (Rep. Terry – Education and Labor)

### **Bill Summary and Key Issues**

#### **H.R. 6899 – The Comprehensive American Energy Security and Consumer Protection Act**

The comprehensive Democratic plan expands domestic and renewable sources of energy to increase our security, ends subsidies to the oil companies, promotes good jobs here in America, and requires Big Oil to pay what it owes taxpayers. It puts us on the path toward energy independence and a clean green energy future through greater energy efficiency and conservation, and protects consumers through strong action to lower the price you pay at the pump.

The comprehensive and sweeping measure takes strong action to lower the price at the pump releasing a small portion of oil from the government's stockpile, and invests royalties from oil companies owed the American taxpayer in alternative energy technology. The measure commits America to a renewable energy future and jobs by extending and expanding tax incentives for renewable electricity, solar and wind energy, and fuel from America's heartland, as well as for plug-in hybrid cars, while requiring 15% of American electricity to come from renewable energy. It includes a compromise to responsibly open up the Outer Continental Shelf for drilling, with environmental protections, while demanding that Big Oil companies use the leases they have already been issued. It promotes efficiency and conservation that will save consumers billions, with tax incentives and loans for energy efficient homes, buildings, and appliances, and updated efficiency standards for buildings. Many of the provisions have already garnered strong bipartisan majority support on the House Floor.

## **Lowers Costs to Consumers & Protects Taxpayers**

Releasing Oil from the Strategic Petroleum Reserve (SPR Swap)(H.R. 6578, voted on 268-157 with 37 Republicans supporting, Vote 527, 7/24/08)

- Like the bipartisan Abercrombie-Peterson bill, temporarily releases nearly 10 percent of the oil from the government's stockpile (known as the Strategic Petroleum Reserve (SPR)), and replaces it later with heavier, cheaper crude oil.

Royalty Reform: Making Oil Companies Pay Their Fair Share (Passed 3 times including H.R. 6 by a vote of 264-163 with 36 Republicans, Vote 40, 1/18/2007)

- Ensures that oil companies pay their fair share of royalties on flawed leases granted in 1998 and 1999.
- Because of mistakes made by the Interior Department, oil companies holding 70 percent of leases issued for drilling in the Gulf of Mexico in 1998 and 1999 became exempt from paying any royalties, costing American taxpayers about \$15 billion.
- Makes it more efficient for the Interior Department to collect royalty payments from oil and gas companies owed to the American taxpayer. (Passed as part of H.R. 3221)

Additional Royalty Reforms and Accountability for Oil Companies

- Adds a new requirement that it must be in the fiduciary interest of the federal government for oil companies to be permitted to make Royalty In Kind, instead of cash, payments to the government.

Restoring Accountability and Integrity in Oil Leasing at the Mineral Management Service

- According to the Inspector General, a "culture of ethical failure" and a "culture of substance abuse and promiscuity" existed among Minerals Management Service (MMS) employees. Among the unethical practices described by the IG:
  - Accepting gifts, meals, and drinks from oil industry representatives was common practice;
  - Illegal drug use among employees; and
  - Sexual relationships between MMS employees and representatives of oil companies – the very industry with which the agency does business.
  - Violations of federal procurement regulations, which clearly put taxpayer dollars at risk, such as steering lucrative contracts to former employees in the private sector.

- The House Democrats Energy bill takes aggressive steps to crack down on the extreme misconduct at the Mineral Management Service – the agency charged with collecting royalties from oil and gas companies, which is one of the largest sources of revenue for the federal government after taxes.
  - Prohibits Minerals Management Service (MMS) employees from accepting gifts or from seeking employment from companies or individuals who do business or are seeking to do business with MMS.
  - Requires the Secretary of Interior to develop a code of ethics for MMS employees, and to implement a robust ethics training program for all MMS employees and a random drug testing program for royalty-in-kind MMS employees.
  - Makes it a federal crime for companies which hold or seek leases from MMS to engage in a course of conduct consisting of providing things of value to MMS employees, and for MMS employees (and those selected to be MMS employees) to engage in a course of conduct consisting of receiving things of value from lease holders or those seeking leases. Violators would be subject to a prison term of up to 2 years. Corporations would be subject to criminal and civil penalties of up to \$25 million and an amount equal to gross revenues from the lease or leases that were the subject of the violation. In addition, if civil liability is established, the Government may terminate the lease or leases.
  - Strengthens the ability of Inspector Generals to secure cooperation in their investigations by providing them the authority to compel testimony from corporations and individuals.

### **Renewable Energy Future, Creating American Jobs**

Renewable Energy Tax Credit Package (similar to provisions passed in H.R. 5351, passed with bipartisan support, 236-182, Vote 84 2/27/08 and H.R. 6049, passed 263-160, with 35 Republicans votes, Vote 344, 5/21/08)

- Includes \$18 billion in tax cuts to spur green jobs and American energy independence, including:
  - Eight-year extension of the investment tax credit (ITC) for solar energy and fuel cells.
  - Three-year extension of the production tax credit (PTC) for energy derived from biomass, geothermal, hydropower, landfill gas and solid waste.
  - One-year extension of the PTC for energy derived from wind.
  - Clean renewable energy bonds for electric cooperatives and public power.

- Incentives for the production of homegrown renewable fuels and tax credits for the purchase of fuel-efficient, plug-in hybrid vehicles.
  - Incentives for energy conservation for individual businesses and state and local governments.
- Includes a scaled-backed provision that repeal a giveaway in the 2004 international tax bill (H.R. 4520) for major integrated oil and gas companies. Small, independent oil and gas companies would continue to benefit from the deduction at the current rate.
- Closes a tax loophole identified by the non-partisan Joint Committee on Taxation that allows big oil and gas companies operating overseas to game the system by understating their foreign oil and gas extraction income.

Strategic Energy Efficiency and Renewables Reserve (Passed as part of H.R. 6 by a vote of 264-163 with 36 Republicans, Vote 40, 1/18/2007)

- Creates a “Strategic Energy Efficiency and Renewables Reserve.”
- The Reserve would be available to pay for subsequent legislation to:
  - Accelerate the use of clean domestic renewable energy resources and alternative fuels;
  - Promote the utilization of energy-efficient products and practices and conservation;
  - Increase research, development, and deployment of clean renewable energy and energy efficiency technologies;
  - Fund the Land and Water Conservation Fund, Low Income Home Energy Assistance (LIHEAP), and Weatherization, and Carbon Capture and Sequestration.\*
- Money for the fund would come from royalty reforms that fix 98/99 royalty leases to protect the American taxpayer.

Renewable Electricity Standard (Amendment to H.R. 3221, passed by the House with 32 Republicans supporting, Vote 827, 8/4/07)

- Establishes a 15 percent national renewable electricity standard (RES). This market-based mechanism will require electric utilities to use renewable energy to generate 15 percent of their electricity or to purchase renewable energy credits from others to meet this standard by 2020.
- Saves consumers \$13-18 billion cumulatively by 2020, bringing down costs in all 50 states.
- More than one-half of the states have already enacted a renewable energy standard.

- Exempts municipal and other publicly-owned power plants, federal agencies and rural electric coops and small private utilities.
- Permits utilities to use energy efficiency savings to meet up to 4 percent of their targeted 15 percent.

#### Renewable Fuels Standard Sense of Congress

- Includes sense of Congress language noting that the current definition of renewable biomass in the Renewable Fuel Standard (RFS) could be modified, reflecting that cellulosic biofuels should be produced from a highly diverse array of feedstocks, allowing every region of the country to be a potential producer.

#### Expanding Domestic Energy Supply

##### Responsible Compromise on Drilling on the Outer Continental Shelf

- The ending of the current moratorium allows drilling 3 miles offshore.
- The bill permits leasing between **50 and 100 miles** offshore if a **State 'opts-in'** to allow leasing off its coast by enacting legislation signed by the Governor. (States can also make a decision via referendum, at their discretion.)
- Environmental Protections: National marine monuments and national marine sanctuaries are permanently withdrawn from oil and gas leasing. All leasing activities must protect the coastal, marine and human environment of the State coastal zones and OCS.
- DOD authority to designate national defense areas remains in force and leasing must also take place in accordance with a Memorandum of Agreement between the Defense and Interior Departments.
- Makes no changes to the 2006 law on leasing and moratorium areas in the Eastern Gulf of Mexico (GOMESA).
- The remaining Outer Continental Shelf beyond **100 miles** would be open to oil and gas leasing.
- Does not include revenue-sharing with the states.

##### Increase Domestic Oil Production Across America and in Alaska (DRILL Act, H.R. 6515, garnered 244-173 with 26 Republicans voting in support – Vote 511, 7/17/08)

- Incorporates a modified version of the “Use It” legislation that creates more stringent requirements that oil companies produce oil during the initial term of their lease.
- Mandates annual lease sales in the National Petroleum Reserve in Alaska (NPR-A) to speed its development and oil production.



- Bans export of Alaskan oil outside the U.S.
- Calls on the Bush Administration to facilitate completion of the oil pipeline infrastructure into the NPR-A, and to facilitate the construction of the Alaska Natural Gas Pipeline, which could create up to 100,000 jobs.

#### Natural Gas Vehicles (Emanuel provisions)

- Sets a goal of increasing the use of new natural gas powered vehicles and includes tax incentives, such as doubling a tax credit for homeowners to install natural gas refueling equipment and expands financing mechanisms for service stations to install natural gas pumps. Also requires service stations owned by major integrated oil companies to install at least one "alternative fuel pump"—such as natural gas or E-85.

### **Greater Energy Efficiency & Conservation**

#### Strengthening Energy Efficiency Codes for Buildings (passed as part of H.R. 3221)

- Calls on the Energy Department and states to update energy codes for new buildings, so that new residential and commercial buildings will have to realize a 30 percent improvement in minimum building standards by 2010, and 50 percent by 2020.
- Could save consumers at least \$210 billion through 2030.

#### Incentives for Energy Efficient Homes (H.R. 6078, Rep. Perlmutter)

- Provides incentives to lenders and financial institutions, including the Federal Housing Administration, to provide lower interest loans and other benefits to consumers who build, buy or remodel their homes to improve their energy efficiency.
- Establishes a residential energy efficiency block grant program to improve the energy efficiency of housing.

#### Saving Energy Through Public Transportation Act (H.R. 6052, passed by a vote 322-98, with 91 Republicans, Vote 467, 6/26/08)

- Reduces transit fares for commuter rail and buses and expands service through \$1.7 billion in grants to transit agencies for the next two years. These funds could also be used for the escalating operating costs of public transportation and would be available to both rural and urban areas.

## **H.R. 6842 – The National Capital Security and Safety Act**

### **Findings**

This section includes findings of Congress including the following:

- The District of Columbia is a local self-governing jurisdiction and the seat of the United States government, with unique federal responsibilities;
- The President, the Vice President, and many cabinet and other federal officials reside in the District of Columbia; and
- Unregulated firearms in the capital would preclude the ability of the Metropolitan Police Department to track guns through registration and otherwise to help ensure that guns do not endanger federal officials and employees, visiting dignitaries, and other individuals.

### **Revision of District of Columbia Firearms Laws**

- Requires the District of Columbia, within six months after enactment, to revise its laws governing the possession and use of firearms as necessary to comply with the decision of the Supreme Court in District of Columbia v. Heller.
- Amends the Firearms Control Regulations Act of 1975 by adding a new section requiring the Mayor and the Council of the District of Columbia to ensure that the District's firearms laws are consistent with Heller.

### **Quote of the Day**

"Many persons have a wrong idea of what constitutes true happiness. It is not attained through self-gratification but through fidelity to a worthy purpose."

- Helen Keller

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